

REMARKS

Favorable reconsideration of this application in light of the preceding amendments and following remarks is respectfully requested.

Claims 41, 43-44, 46, 56-58, 61-65 and 67 are pending in this application. Claims 1-40, 47-55 and 59-60 are cancelled without prejudice or disclaimer of the subject matter contained therein, as they were non-elected and previously withdrawn from consideration (Applicants reserve the right to file one or more divisional applications on the subject matter thereof).

Claims 42 and 45 were previously cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 66 and 68 are cancelled, and claim 61 is amended to incorporate the subject matter thereof, to place it in condition for allowance. Claims 41, 57, and 58 are currently withdrawn, with rejoinder of these claims being requested herein.

Telephone Interview

Initially, Applicants thank the Examiner for calling Applicants representative before issuing the present office action. During the telephone interview with Applicants' Representative, the Examiner indicated that claims 43, 44, 46 and 56 were allowable, and that amending claim 61 to include the features of dependent claim 68 (and intervening claim 66) would distinguish over Miyata et al. (US 2002/0033789, herein Miyata) and requested permission to make these amendments by Examiner's Amendment. As the client was in Japan, and as the Examiner had to issue an Office Action quickly, Applicant's representative could not agree to make these changes at the time of the interview. The Examiner indicated that an office action would have to be issued, but indicated that claim 68 would be objected to as containing allowable subject matter. At this time the interview was concluded.

Allowable Subject Matter and Entry of Amendment After Final

Claims 43, 44, 46 and 56 were indicated as being allowable in the last office action.

Further, the Examiner objected to claim 68, and indicated that amending claim 61 to include the limitations of dependent claim 68 (and intervening claim 66) would render claim 61 allowable. Thus, by the present amendment, claims 43, 44, 46, 56 and 61-65 and 67 are in allowable form.

Further, entry of these amendments is respectfully requested as they do not raise any new issues requiring further consideration and/or search. The amendments merely place all claims in condition for allowance.

Rejoinder of Claims Requested

Upon a review of the withdrawn claims in connection with the present application, Applicants noticed that dependent claims 41, 57 and 58 depend from (either directly or indirectly) allowable claim 56. Thus, as each of these claims, by nature of their dependency, includes all of the limitations of allowable claim 56, rejoinder of these previously withdrawn claims is respectfully requested. With regard to the remaining ones of the previously withdrawn claims, these claims are cancelled without prejudice or disclaimer of the subject matter contained therein (noting that Applicants respectfully reserve the right to files one or more divisional applications on the subject matter of these claims). **Accordingly, rejoinder and allowance of Claims 41, 57, and 58 is respectfully requested.**

Claim Rejections under 35 USC § 102

Claims 61 - 67 stand rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103 as being anticipated by or rendered obvious by Miyata. Applicants respectfully submit that these rejections are now rendered moot based upon the amendments indicated previously.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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